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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,390	09/11/2003	Marc D. Gagnon	086169-0305469	9787
909	7590	11/04/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			ISSING, GREGORY C	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/659,390

**Applicant(s)**

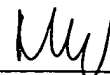
GAGNON, MARC D.

**Examiner**

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Batchelor.

3. Batchelor (6,783,040) teaches a portable electronic device detachable vehicle mounting system for use on motorcycles, snowmobiles, personal watercraft, etc for incorporating electronic devices, including radios, two-way radios, telephones, radar detector and GPS receiver (col. 3, lines 13-22).

4. Claims 1, 5 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao.

5. Joao (6,542,076) discloses a control apparatus for use on a snowmobile (Figure 14 as well as col. 78-85) which includes a navigation device such as a GPS receiver, a radio for communicating such as a cellular telephone or RF transceiver, a dashboard display device, a television, distress/emergency signal equipment, and a snowmobile monitoring system

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelor in view of Kushida et al.

8. Batchelor teaches the subject matter substantially as claimed as previously set forth above but fails to show all of the dependent claims.

Kushida et al (EP 1,143,259) teach an antenna disposition structure suitable for a saddle-type motor vehicle including the use of antennas for reception of radio communications with other vehicles, with broadcasting stations transmitting road conditions and/or weather conditions, and with GPS satellites so as to provide navigation/location functions [0026], [0107], [0111]. The antennas are coupled to a portable PDA which may be detached from the vehicle and may also receive downloads via the Internet [0066]. Design considerations for the antenna are disclosed so as to prevent the absorption of radio waves by a driver and to prevent reductions in the EM fields.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Batchelor by incorporating the additional electronic devices for receiving and displaying information regarding weather, road conditions or information from the Internet in view of the teachings of Kushida et al to provide the snowmobile driver with information of inclement and dangerous weather. Furthermore, the placement of antennas on an open-air, straddle-type vehicle is limited due to space constraints as well as providing efficient transmission/reception capabilities. Thus, it would have been obvious to someone skilled in the art at the time of the invention to place the antenna on either front or back fairings/bumpers as long as it was not affected by the driver and had line-of-sight viewing to the appropriate sources in view of the teachings of Kushida et al.

9. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Kushida et al.

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Joao teach the subject matter substantially as claimed as set forth above but fails to specify the antenna locations.

Kushida et al (EP 1,143,259) teach an antenna disposition structure suitable for a saddle-type motor vehicle including the use of antennas for reception of radio communications with other vehicles, with broadcasting stations transmitting road conditions and/or weather conditions, and with GPS satellites so as to provide navigation/location functions [0026], [0107], [0111]. The antennas are coupled to a portable PDA which may be detached from the vehicle and may also receive downloads via the Internet [0066]. Design considerations for the antenna are disclosed so as to prevent the absorption of radio waves by a driver and to prevent reductions in the EM fields.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Joao by incorporating the additional electronic devices for receiving and displaying information regarding weather, road conditions or information from the Internet in view of the teachings of Kushida et al to provide the snowmobile driver with information of inclement and dangerous weather. Furthermore, the placement of antennas on a open-air, straddle-type vehicle is limited due to space constraints as well as providing efficient transmission/reception capabilities. Thus, it would have been obvious to someone skilled in the art at the time of the invention to place the antenna on either front or back fairings/bumpers as long as it was not affected by the driver and had line-of-sight viewing to the appropriate sources in view of the teachings of Kushida et al.

10. Applicant argues that neither of the references alone nor both references in combination prior art suggest or teach the claimed invention of a snowmobile equipped with a GPS receiver. In view of the newly cited references directed to snowmobiles equipped with GPS receivers, the applicant's argument is not convincing.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Clarke (3,646,561) discloses the securing of an antenna from a previously conventional motor vehicle fender to a windshield.

Caldwell (4,132,994) discloses the mounting of a radio antenna on a motorcycle having a windshield on a fairing wherein the antenna is formed along the edge of the windshield.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci